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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,420	10/07/2005	John Bolland Reast	65459-802	2394
23529	7590	03/03/2009		
ADE & COMPANY INC. 2157 Henderson Highway WINNIPEG, MB R2G1P9 CANADA			EXAMINER HSIAO, JAMES K	
			ART UNIT 3657	PAPER NUMBER
			MAIL DATE 03/03/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/552,420

Applicant(s)

REAST, JOHN BOLLAND

Examiner

JAMES K. HSIAO

Art Unit

3657

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 10, 11, 19, 20 and 23-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 10, 11, 19, 20 and 23-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. the limitations in claims 1 and 26 contain new matter. The limitation "double fixed ended" is nowhere to be found in the specification. Is this different than fixed ended? Is each joint "double" fixed ended? Are the two joints each fixed ended and the combination of the two creates a double fixed end?

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Reast (US-5507516).

Regarding claim 1, Reast discloses vehicle suspension comprising a pair of leaf springs locatable on respective opposed sides of a vehicle chassis and extending longitudinally thereof and generally centrally between ends of the leaf springs, and an anti-roll device (13) which is arranged to extend transversely of the vehicle chassis, and means mounting opposed ends of the anti-roll device rigidly, to respective ones of the pair of opposed leaf springs (fig 1b), wherein the anti roll device is located at the end of the leaf spring (11) and proximate the chassis side or away from the axle (fig 1).

Regarding claim 2, Reast discloses wherein said mounting means is arranged to clamp the opposed ends of the anti-roll device rigidly to respective ones of the opposed leaf springs (figs 1).

Regarding claims 19, 20, 23, 24, and 35 Reast discloses wherein the anti-roll device comprises a beam bar or tube (13).

Regarding claim 25, Reast discloses wherein the anti-roll means is mounted by clamping mounts (located at ends of 13).

Regarding claim 26, Reast discloses a pair of leaf springs (11) locatable of respective opposed sides of a chassis of an associated vehicle and extending longitudinally thereof (fig 1); and an anti-roll device (13) which is arranged to extend transversally of the vehicle chassis; opposed ends of anti-roll device being mounted to equivalent ends of the springs (fig 1), as close as is practically possible to where the springs connect to the vehicle chassis, so rigidly that that there is no relative movement of the opposed ends of the anti- roll device to respective ones of the pair of opposed leaf springs, such that during spring deflection, when the springs deflect in different

directions to each other, the springs change from pin-jointed characteristic beams toward fixed ended characteristic beams at the equivalent ends (col. 2, lines 17-26), and when the springs deflect in the same direction, the springs stay as pin-jointed characteristic beams (col. 2, lines 1-6); and the anti-roll device being mounted to the respective springs at a substantial offset distance from a neutral axis in bending of the springs (fig 1a), by rigid mounts sufficient to make the transverse anti-roll device into a double fixed ended characteristic beam in plan view (col. 2, lines 17-26), resisting the spring deflection when the springs deflect in opposite directions such that resistance forces combined with the offset distance from the neutral axis creates moments in the springs to further change spring bending characteristics from pin-jointed to fixed ended beam characteristics when the springs deflect in different, opposing directions during vehicle roll (col. 2, lines 17-35).

Regarding claims 27, 28 and 29, Reast discloses clamps and spacers as seen in figure 1 near reference numeral (Y).

Regarding claims 30-33, and 36, see figure 1A and clamping means near (13)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reast (US-5507516) in view of Cynamon (US-2485434).

Regarding claim 34, Reast does not disclose the use of a U-bolt. Cynamon teaches wherein the leaf springs are clamped together and fastened by U-bolts (18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the U-bolts of Cynamon with the clamping means of Reast because it is an obvious variant and merely a design choice.

7. Claims 1, 2, 10-11, 19, 20, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cynamon et al. (US-2485434) in view of McGowen (US-1441545). Regarding claim 1, Cynamon et al. discloses vehicle suspension comprising a pair of leaf springs locatable on respective opposed sides of a vehicle chassis and extending longitudinally thereof, and an anti-roll device (10) which is arranged to extend transversely of the vehicle chassis, and means mounting opposed ends of the anti-roll device rigidly, to respective ones of the pair of opposed leaf springs (fig 1).

Cynamon lacks to disclose wherein the anti-roll device is located in closer proximity to the chassis as opposed to the axle. McGowen teaches wherein the anti roll device is located at the end of the leaf spring (11) and proximate the chassis side or away from the axle (see figure 6, connection 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the anti-roll device of Cynamon with the location of the anti-roll device of McGowen because there are a finite number of locations at which the

anti-roll device can yield the predictable result of preventing the vehicle from overturning.

Regarding claim 2, Cynamon et al. discloses wherein said mounting means is arranged to clamp the opposed ends of the anti-roll device rigidly to respective ones of the opposed leaf springs (figs 1 and 3).

Regarding claims 10-11, Cynamon et al. discloses wherein the opposed ends of the anti-roll device are offset from the neutral plane in bending of each of the opposed leaf springs by means of spacers (20).

Cynamon lacks wherein the spacers are located between the leaf spring and the anti-roll device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to move the spacers as there are a finite number of locations at which the spacers yield the predictable result of spacing and/or providing structural space between two objects.

Regarding claims 19, 20, 23, 24, Cynamon et al. discloses wherein the anti-roll device comprises a beam bar or tube (10).

Regarding claim 25, Cynamon et al. discloses wherein the anti-roll means is mounted by clamping mounts (18).

Response to Arguments

8. Applicant's arguments filed 12/18/2008 have been fully considered but they are not persuasive. With regards to the present arguments, examiner understands applicants position but respectfully disagrees. Applicant's arguments appear to be far

more specific than what is required by the limitations set by the claims. For example, the limitation "rigid" is a relative term and is given the broadest reasonable interpretation. Much of the claims include functional recitations that have not been given patentable weight because it is narrative in form. In order to be given patentable weight, a functional recitation must be expressed as a "means" for performing the specified function, as set forth in 35 USC 112, 6th paragraph, and must be supported by recitation in the claim of sufficient structure to warrant the presence of the functional language. *In re Fuller*, 1929 C.D. 172; 388 O.G. 279.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES K. HSIAO whose telephone number is

(571)272-6259. The examiner can normally be reached on Monday through Friday 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JKH

/Robert A. Siconolfi/
Supervisory Patent Examiner, Art
Unit 3657